

I.

Remarks

In response to the Office Action dated August 21, 2009, Paper No. 20090818, in the above-subject application, the undersigned offers the following remarks:

In the subject Office Action, the Examiner identified a certificate of correction filed May 6, 2004 for U.S. Patent No. 6,474,126 as being present in the file wrapper of the instant application. After carefully checking our records, it is clear that this certificate of correction should not be in this file wrapper and accordingly, Applicant's attorney respectfully requests that the incorrect certificate of correction be expunged from this record.

In the above Office Action, the Examiner rejected the claims under 35 USC § 251 for the reason that the claims were being broadened in a reissue application filed outside the two year statutory period. Further, the Examiner stated that independent Claim 21 lacks, among other things, a planar seal having a formed pilot with an aperture, and the planar seal being compressed to complete the fluid-tight conduit connection; and the receiver having a first and second primary seal. A claim is broader in scope than the original claims if it contains within its scope any conceivable product or process which would not have infringed the original patent. A claim is broadened if it is broader in any one respect even though it may be narrower in other respects.

With respect to this claim rejection, Applicants' attorney wishes to direct the Examiner's attention to 35 USC § 251, Reissue of Defective Patents, which states as follows:

Whenever any patent is, through error without any deceptive intention, deemed wholly or partly inoperative or invalid, by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than he had a right to claim in the patent, the Director shall, on the surrender of such patent and the payment of

the fee required by law, reissue the patent for the invention disclosed in the original patent, and in accordance with a new and amended application, for the unexpired part of the term of the original patent. No new matter shall be introduced into the application for reissue.

No reissued patent shall be granted enlarging the scope of the claims of the original patent unless applied for within two years from the grant of the original patent.

Further, MPEP § 1403 states:

Where any broadening reissue application is filed within two years from the date of the original patent, 35 U.S.C. 251 presumes diligence, and the examiner should not inquire why applicant failed to file the reissue application earlier within the two year period.

U.S. Patent No. 6,386,593, the parent for which this reissue was filed was originally issued on May 14, 2002. This application based on the file wrapper filing date was filed May 6, 2004. Therefore, this application was timely filed and accordingly, complies with the requirements of 35 USC § 251. Accordingly, it is respectfully requested that the claim rejection under 35 USC § 251 be withdrawn.

In the above referenced Office Action, the Examiner indicated that the reissue declaration/oath filed with this application is defective because it fails to identify at least one error which is relied upon in order to support the reissue application. The Examiner further indicated that receipt of an appropriate supplemental oath/declaration under 37 CFR § 1.175(b)(1) will overcome this rejection under 35 USC § 251. The Examiner then stated acceptable language to be used in the supplemental oath/declaration. As soon as the

supplemental oath/declaration signed by the original inventors setting forth the appropriate language as suggested by the Examiner is received, the undersigned will forward it to the Examiner so as to comply with the requirements of 35 USC § 251.

Accordingly, in view of this supplemental declaration and compliance with the requirements under 35 USC § 251, the undersigned believes that the complete reissue application is now in condition for allowance and accordingly, formal allowance of this reissue application is respectfully requested.

If the Examiner has any questions with respect to any matter now of record, Applicant's attorney may be reached at (586) 739-7445.

Respectfully submitted,

VANOPHEM & VANOPHEM, P.C.



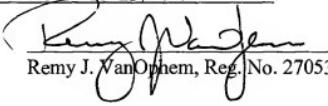
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Certificate under 37 CFR §1.8(a)

I hereby certify that this correspondence is being transmitted to the U.S. Patent Office via the Office electronic filing system on November 23, 2009.

Date: November 23, 2009



Remy J. VanOphe, Reg. No. 27053